IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10335 of 2005

Between:

Desham Sahadev S/o. Sri D. Janakiram
R/o.6-4-420/1,Bholakpur Secunderabad,A.P.

..... PETITIONER

AND

1 Sarpanch,Gram Panchayat
Parvathapur Ghatkesar Mandal
R.R.District.
2 The Secretary Gram Panchayat
Parvathapur Ghatkesar Mandal
R.R.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ in the nature of writ of Mandamus declaring the action of the respondents in not accepting the Applications for construction of a Building, in respect of plot bearing Nos.757, 760, 761, 762,812,813,814, totally admeasuring 1600 Sq.Yards and plots bearing Nos.822,823,824,825 & 830 totally admeasuring 737 Sq.Yards, situate in Sy.No.26 & 27, (Part), of Parvathapur Village & Gram Panchayat, Ghatkesar Mandal, R.R.District, as illegal, arbitrary and without jurisdiction and consequentialy direct the respondents to accord permission for construction of residential building on petitioner above referred plots.

Counsel for the Petitioner:MR.R.CHANDRASHEKAR REDDY

Counsel for the Respondent No.1: SMT.JYOTHI ESWAR GOGINENI

The Court made the following :

ORDER:

1. This writ petition has been filed by Desham Sahadev with a prayer to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of Respondents in not accepting the applications for construction of a building in respect of Plot bearing Nos. 757, 759,760,762,812,813,814, admeasuring 1600 square yards, and plots bearing Nos. 822, 823, 824, 825, 830 total admeasuring 737 square yards, situated in Survey No.26 and 27 (part) of Parvathipur village and Gram Panchayath, Ghatkesar Mandal, R.R.District as illegal and arbitrary and consequently direct the respondents to accord permission for construction of residential building of the petitioner.

2. The learned counsel for the petitioner submits that the petitioner has sent an application by registered post seeking permission for construction of building in the plot owned by him. But, the respondents have not received the same and consequently the registered letters have been returned as unclaimed.

3. Whereas the learned standing counsel appearing for the 1st respondent submits that the petitioner has not submitted any application seeking for building permission, as such, the question of not receiving the application does not arise.

4. Without going into the controversy as to whether the writ petitioner has submitted application or not, I deem it appropriate to dispose of the writ petition with a direction to the writ petitioner to submit an application seeking permission for construction of building in accordance with the provisions of the Grampanchayath Act, within two weeks from the date of this order and thereafter the respondents have to consider the application and pass appropriate orders within two week, according to law.

_____

B.Seshasayana Reddy,J

15th July, 2005.

Note:

C.C. in a week.

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

Sarpanch,Gram Panchayat
Parvathapur Ghatkesar Mandal
R.R.District.

2 The Secretary Gram Panchayat
Parvathapur Ghatkesar Mandal
R.R.District.

3, 2 CD copies

4. 1 CC to MR.CHANDRASHEKAR REDDY

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10335 of 2005

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

15TH JULY, 2005